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09/928,822	09/28/2001	Randall C. Walker	33050/101/103	8770

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John L. Rooney  
NAWROCKI, ROONEY & SIVERTSON, P.A.  
Broadway Place East, Suite 401  
3433 Broadway Street Northeast  
Minneapolis, MN 55413

EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/928,822

Applicant(s)

WALKER, RANDALL C.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed 1/6/2004, to the original application filed: 8/13/2001, with continuation priority filing date of 2/2/1998, which is a continuation in part of 08/693,444 (now U.S. Patent No. 5,802,533) with filing date of 8/7/1996. IDS filed 1/22/2002 as paper 5.
2. The objection to the title of the invention has been withdrawn as necessitated by amendment.
3. The rejection of claims 1-16 under 35 U.S.C. 112, second paragraph has been withdrawn as necessitated
4. Claims 1, 6-8, 10-13, 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over van Zijlen. by amendment.
5. Claims 2, 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over van Zijlen and McCloskey.
6. Claims 3-5, 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over van Zijlen and Gross.
7. Claim 14 remains rejected under 35 U.S.C. 103(a) as being unpatentable over van Zijlen and Strasnick.
8. Claims 1-16, 53 are pending. Claim 53 has been added. Claims 1, 11, 53 are independent claims.

### *Claim Rejections - 35 USC § 112*

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 11-16, 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In regard to independent claim 11, the phrase “*being faithful to*” is vague and indefinite. It is unclear to the examiner what the scope and range of this phrase is in the context of the claimed limitations, since said phrase is subjective, and can vary in precise meaning and scope.

In regard to dependent claims 12-16, claims 12-16 are rejected for fully incorporating the deficiencies of their respective base claims.

In regard to independent claim 53, the phrase “*meaningfully positioned*” is vague and indefinite. It is unclear to the examiner what the scope and range of this phrase is in the context of the claimed limitations, since said phrase is subjective, and can vary in precise meaning and scope.

#### Examiner's Note

11. The following rejections are based upon a possible interpretation of “*being faithful to*” as having an author specified content and sequence, and “*meaningfully positioned*” as positioned.

#### *Claim Rejections - 35 USC § 101*

12. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. The claimed invention as defined within instant claims 1-16, 53 are directed to non-statutory subject matter.

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In regard to independent claims 1, 11, 53, the combined limitations of each of said claims can be interpreted as a series of mental and/or manual steps (i.e. mentally/manually analyzing text presentation, extracting text, etc.), and is therefore directed to non-statutory subject matter. The examiner's suggestion of changing the preambles of claims 1 and 11 to read a/the "*computer executable reading fabrication methodology...*", and changing the preamble of claim 53 to read "*A computer executable method...*" will overcome this rejection.

In regard to dependent claims 2-10, 12-16, claims 2-10, 12-16 are rejected for fully incorporating the deficiencies of their respective base claims.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 6-8, 10-13, 16, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen (hereinafter van Zuijlen), U.S. Patent No. 5,060,155 issued October 1991.

In regard to independent claim 1, van Zuijlen teaches enhancing the presentation of text content having an author specified word order via graphical trees, and extracting text specific attributes (van Zuijlen Abstract, Figure 9; compare with claim 1 "*A reading product fabrication methodology for enhancing*

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*presentation of text having an author specified text content and word order within the text content... ”, and “extracting text specific attributes... ”).*

van Zuijlen does not specifically disclose “only” author specified text. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because van Zuijlen teaches analysis of sentences (i.e. “Dog bites man in park near river” - van Zuijlen Figure 10, etc.). Since it is known in the art that text input can consist of sentences from a single author, as well as authored sentences including various symbols, lines and annotations, it would have been obvious to the skilled artisan that van Zuijlen’s text input can include individual submissions from individual authors with added content, providing the benefit of individual analysis beyond what an author may have submitted.

van Zuijlen teaches varying text presentation based on attributes (van Zuijlen Abstract). van Zuijlen does not specifically teach maintaining author specified word order, as claimed. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because van Zuijlen teaches all possible dependents of each word based on rank order and interpretations, and based upon an originally maintained sentence, providing the suggestion to the skilled artisan of maintaining word order, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret van Zuijlen as such, providing the benefit of seeing various interpretations of original sentences to help in understanding said sentence.

**In regard to dependent claim 6,** van Zuijlen teaches varying presentation based upon punctuation marks and parts of speech, and rules, visual attributes and parsing shown in van Zuijlen Figures 1-17.

**In regard to dependent claims 7, 8,** van Zuijlen teaches folding rules based upon punctuation for text segmentation as shown in van Zuijlen column 2, also Figures 9-11.

**In regard to dependent claim 10, van Zijlen teaches displaying text segments on new lines as shown in van Zijlen Figures 1-17.**

**In regard to independent claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.**

**In regard to dependent claims 12, 13, van Zijlen teaches presentation of text representing an original sentence, including no non-textual symbols (van Zijlen Figures 1-17).**

**In regard to dependent claim 16, van Zijlen teaches attributes including punctuation and parts of speech (van Zijlen Abstract, Figures 1-17).**

**In regard to independent claim 53, claim 53 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.**

van Zijlen teaches author input of sentences for analyzing purposes (van Zijlen Figure 10 "Dog bites man in park near river"), said phrase can be fairly interpreted as an authored "script".

van Zijlen teaches simultaneous display of juxtaposed text which are positioned in a multidimensional syntactic matrix tree (van Zijlen Figures 1-17).

**16. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zijlen as applied to claim 1 above, and further in view of McCloskey (hereinafter McCloskey), U.S. Patent No. 4,613,309 issued September 1986.**

In regard to dependent claims 2, 9, van Zuijlen teaches varying text presentation based on attributes and punctuation (van Zuijlen Abstract). van Zuijlen does not specifically teach color. However, McCloskey shows color associated with sets in the Abstract, in an analogous art for the purpose of teaching reading. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply McCloskey to van Zuijlen, providing van Zuijlen the benefit of adding an extra visual aspect to help teach reading.

17. Claims 3-5, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen as applied to claim 1, and 11 above, and further in view of Gross et al. (hereinafter Gross), U.S. Patent No. 5,147,205 issued September 1992.

In regard to dependent claims 3, 4, 5, van Zuijlen does not specifically teach a difficulty measure, advancement rate, estimated pronunciation time, and educational level of text. However, Gross teaches a reading aid comprising various levels of automatic speed reading (text advancement) differentiated by education difficulty level. Gross also teaches estimated display time of words, (Gross Abstract, Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Gross to van Zuijlen's presentation, providing van Zuijlen the benefit of controlled display of presentation to aid in the learning of sentences.

In regard to dependent claim 15, van Zuijlen does not specifically teach horizontal and vertical displacements. However, Gross teaches various positioning of sections of a textual story on a screen (Gross Figures 8-10, column 13 lines 57-68 to column 14 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Gross to van Zuijlen, providing van Zuijlen the benefit of positioning to enhance various presented sentences for easier learning of said sentences.



18. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen as applied to claim 11 above, and further in view of Strasnick et al. (hereinafter Strasnick), U.S. Patent No. 5,671,381 issued September 1997.

In regard to dependent claim 14, van Zuijlen does not specifically teach a perspective view. However, Strasnick teaches displaying textual data in an angled 3D perspective environment (Strasnick Abstract, Figures 2A, 4A, especially Figure 4C). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Strasnick to van Zuijlen's presentation, providing van Zuijlen the benefit of adding 3D perspective to its presentation for better visual effect.

#### *Response to Arguments*

19. Applicant's arguments filed 1/6/2004 have been fully and carefully considered but they are not persuasive.

It is noted that Applicant's amendment to the instant claims (i.e. claims 1, 11, and addition of claim 53) significantly changes the scope of the claimed invention when interpreted as a whole.

Applicant argues on pages 11-12 of the amendment that van Zuijlen does not teach Applicant's invention as instantly claimed. It is respectfully noted that an author can input any form of text sequence (i.e. including symbols, annotations, etc.).

Applicant argues on pages 13-14 of the amendment that McCloskey does not teach colors in the same manner as is claimed by Applicant. It is respectfully noted the McCloskey shows color associated with sets in the Abstract, in an analogous art for the purpose of teaching reading, providing van Zuijlen the benefit of adding an extra visual aspect to help teach reading.

Applicant argues on pages 14-15 of the amendment that Gross and Strasnick do not teach Applicant's claimed limitations. It is respectfully noted that Gross teaches a reading aid comprising various levels of

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automatic speed reading (text advancement) differentiated by education difficulty level. Gross also teaches estimated display time of words, (Gross Abstract, Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Gross to van Zuijlen's presentation, providing van Zuijlen the benefit of controlled display of presentation to aid in the learning of sentences. In addition, Strasnick teaches displaying textual data in an angled 3D perspective environment.

### *Conclusion*

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is **(703) 308-5807**. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on **(703) 305-9792**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-3900**.

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22. **Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703-872-9306)** (for formal/after-final communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore  
Patent Examiner, AU 2176  
May 2, 2004

  
**SANJIV SHAH  
PRIMARY EXAMINER**